

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

In re:

Sears Holding Corporation, et. al.

CHAPTER 11

Debtors.

Case No. 18-23538-rdd

-----X

AFFIDAVIT OF SERVICE OF OBJECTION TO PROPOSED ASSIGNMENT OF LEASE OF  
NONRESIDENTIAL REAL PROPERTY (Docket No. 4829 objecting to No. 4763)

STATE OF NEW YORK  
COUNTY OF WESTCHESTER) ss:

David R. Taxin, being duly sworn, deposes and states that he is over 18 years of age and a member of the law firm Dahan & Nowick LLP, attorneys for 5525 S. Soto St. Associates ("Landlord") in the above action. On August 13, 2019, after electronically filing Landlord's OBJECTION TO PROPOSED ASSIGNMENT OF LEASE OF NONRESIDENTIAL REAL PROPERTY (the "Objection"), I served the Objection by email upon counsel for the Debtor and counsel for the proposed assignee (see first attached email) and on August 14, 2019 I served the Objection on other counsel by email (see second attached email) and I mailed same to the U.S. Trustee for Region 2 at 201 Varick Street, Suite 1006, New York, New York 10014, Attn: Paul Schwartzberg, Esq., and I delivered the Objection by hand to the Clerk of the Bankruptcy Court at 300 Quarropas Street, for the Honorable Robert D. Drain marked "Chambers Copy" and for the U.S. Trustee marked "U.S. Trustee Copy".



David R. Taxin

Sworn to before this 14<sup>th</sup> day of August, 2019



Notary Public

MARC DAHAN  
Notary Public, State of New York  
No. 4500543  
Qualified in Westchester County  
Commission Expires March 30, 2021

23

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

In re:

Sears Holding Corporation, et. al.

CHAPTER 11

Debtors.

Case No. 18-23538-rdd

-----X  
OBJECTION TO PROPOSED ASSIGNMENT OF LEASE OF NONRESIDENTIAL REAL  
PROPERTY (DOCKET NO. 4763)

5525 S. Soto St. Associates ("Landlord"), the Landlord under the Warehouse Lease at 5525 S. Soto Street, Vernon, California, by its attorneys Dahan & Nowick LLP, hereby objects to the proposed assignment of the Warehouse Lease (and corresponding sublease) by Debtors, as set forth in Debtors' Notice of Assignment of Unexpired Leases of Nonresidential Real Property, Docket No. 4763 on the basis that Debtors have failed to provide or establish adequate assurance of future performance by the proposed assignee and/or that adequate assurance of future performance by the proposed assignee is lacking. Landlord reserves all of its rights to specify the basis of its objections at a hearing on the Debtors' application/Notice.

Dated: White Plains, New York  
August 13, 2019

Respectfully submitted,

By: DAHAN & NOWICK LLP  
/s/ David R. Taxin  
David R. Taxin, Esq.  
Attorneys for 5525 S. Soto St. Associates and  
5525 S. Soto Street Associates LLC  
123 Main Street, 9th Floor  
White Plains,, New York 10601  
(914) 461-1650

**David Taxin**

---

**From:** David Taxin  
**Sent:** Tuesday, August 13, 2019 5:16 PM  
**To:** 'Marcus, Jacqueline'; saulreiss@verizon.net  
**Subject:** Sears- Proposed assignment of Vernon Warehouse Lease at 5525 S. Soto Street, Vernon, CA by Sears to Henry Shahery (Buyer)  
**Attachments:** objections 5525\_20190813121006.pdf

Counsel, attached please find our Objection to the proposed assignment of the above lease, which was filed earlier today as Docket No. 4829.

David R. Taxin  
Dahan & Nowick LLP  
123 Main Street, 9th Floor  
White Plains, New York 10601  
Main Tel: (914) 461-1650  
Direct Line: (914) 461-1643  
Fax: (914) 761-2196  
email: [davidtaxin@dahannowick.com](mailto:davidtaxin@dahannowick.com)

## David Taxin

---

**From:** David Taxin  
**Sent:** Wednesday, August 14, 2019 8:28 AM  
**To:** 'ray.schrock@weil.com'; 'garrett.fail@weil.com'; 'Marcus, Jacqueline';  
'sunny.singh@weil.com'; 'Paul.Leake@skadden.com'; 'Shana.Elberg@skadden.com';  
'George.Howard@skadden.com'; 'soneal@cgsh.com'; 'aweaver@cgsh.com';  
'bfeder@kelleydrye.com'; 'KDW Bankruptcy'; 'emfox@seyfarth.com';  
'gadsden@clm.com'; 'braynor@lockelord.com'; 'asmith@lockelord.com';  
'idizengoff@akingump.com'; 'pdublin@akingump.com'; 'sbrauner@akingump.com';  
'aquereshi@akingump.com'; 'marshall.huebner@davispolk.com';  
'eli.vonnegut@davispolk.com'; 'paul.schwartzberg@usdoj.gov';  
'richard.morrissey@usdoj.gov'; 'saulreiss@verizon.net'  
**Subject:** sEARS 18-23538  
**Attachments:** 5525 obj w efile\_20190814072655.pdf

Attached is copy of landlord's Objection to Proposed Assignment of Lease of Nonresidential Real Property at 5525 S. Soto Street in Vernon, California (Docket No. 4829 in response to 4763)

David R. Taxin  
Dahan & Nowick LLP  
123 Main Street, 9th Floor  
White Plains, New York 10601  
Main Tel: (914) 461-1650  
Direct Line: (914) 461-1643  
Fax: (914) 761-2196  
email: [davidtaxin@dahannowick.com](mailto:davidtaxin@dahannowick.com)